

RESPONSE

JIM NELSON

kinds of research which might benefit one's child would, unfortunately, involve a gross injustice to others and, therefore, should not be done is not to turn one's back on his/her child. Doing the best for one's child within the limitations imposed by being fair to others is one way of balancing parental and impartial obligations.

The weakness of these three reasons seems so clear when they are considered in isolation from Nelson's third reason—that death may be a greater harm to a human than to an animal—that it must be this third reason which is carrying the burden of proof here. However, earlier in his paper, Nelson acknowledges that there are serious difficulties in trying to substantiate this claim to greater value for human life. He there concludes that this leaves us with an inconclusive relativism, but that is not the case. In doing painful, lethal research with animals, we are clearly adding to the burden of suffering and exploitation in the world. Unless this contribution to the negative side of the moral ledger can be justified, such research ought not to be done. Consequently, if showing that human life is morally more valuable than animal life is necessary to meet this burden of proof and if that claim of greater worth cannot be justified, then we are not left with relativism; we are left with the conclusion that we ought not to be exploiting animals in research.

Thus, while I do appreciate Nelson's recognition of the moral complexities surrounding therapeutic (for humans) research and testing which exploits animals and his attempt to give due concern to parents and their feelings as well as to animals and their needs, I still think that the core issue is that of the relative moral worth of animal and human life and that unless our anthropocentric assumption that we are worth more than they are can be morally justified, such research with animals is immoral and should not be participated in by people who are concerned to do what is morally right.

I am grateful to Will Aiken, Connie Kagan, and Steve Sapontzis for their willingness to work through my paper with such care; I have learned a good deal about my topic by attending to their remarks.

One thing I learned is that my paper needs to be clearer: I find that I am sometimes taken to be making assertions when I am actually arguing hypothetically, that I am taken to be making one kind of comparison between human and non-humans when I am in fact making quite a different comparison, and especially, that the particular conditions under which I am portraying xenograft as justifiable are misunderstood. I cannot sort all this out in the space allotted this rejoinder, but I will try to be a bit plainer on some of these points.

Sometimes the word "xenograft" appears in my paper as the name of an experimental medical procedure that occupies a place in the actual world: this procedure is fraught with ethical difficulties of many kinds, in large part because it has so little therapeutic value. At other points in my paper, the word is used to refer to a hypothetical procedure that has great—and in some instances, unique—therapeutic value. Shifting to this possible world allows a particular subset of the moral concerns occasioned by xenograft to arise. It also suggests analogies between xenograft and less recherche kinds of medical therapies which also exploit animals.

Thus, when Steve Sapontzis says that "it is simply false that xenografts are the only available procedure for saving an infant's life," he's questioning what I'm taking to be a stipulation; likewise, when Connie Kagan says that "xenograft does not save children." I am exploring the moral dimensions of a situation in which surgical responses to HLHS are as inadequate as they actually are, in which there is no cadaver which happens to



be available, and in which xenograft might well be life-saving. Kagan raises an excellent question about the morality of the "passage" from the real world to the world I consider, but nothing in my paper suggests that I regard research efforts designed to transform xenograft into a useful therapy as justified; quite the contrary.

So I'm considering a different world than Sapontzis and Kagan--albeit a closely related world, a world ours could come to be. But I think it is worth underscoring how morally problematic things are in the real world, the one in which Sapontzis and Kagan remind us of the alternatives to xenograft. Such alternatives also exploit animals. The surgical treatment for HLHS, for example, has presumably cost many animals their lives. True, if one were to elect the alternative surgery, that particular intervention would not be the direct cause of any animals' death. But one may say the same of the act of purchasing meat. It seems likely that if we all boycotted all the therapies--not just xenograft--which exploit animals, that would provide researchers with a powerful incentive to end such exploitation, and to seek out other options. But a lot of children would die in the meantime.

I also want to bring out the stipulative character of my discussion of the "concerned individual" strategy. Sapontzis allows that both impartial considerations of justice and partial considerations of parental affection are morally significant, but denies that the only way a parent could honor both types of considerations is by allowing xenograft while at the same time campaigning to reform the use of animals in medical research and therapy. But surely one can imagine children so ill that there is simply nothing a parent do for them, apart from securing the most effective treatment available; in such cases, the concerned individual strategy seems the only road open, if one wants to avoid rejecting some of the morally significant features of the situation altogether.

In her comment on this argument, Kagan suggests that it raises some conceptual questions about consistency, but has nothing to say about xenograft. She is certainly correct that the "concerned individual" strategy raises questions about the notion of moral consistency (many of which are discussed in the latter chapters of Frey's Rights, Killing and Suffering) but it isn't at all clear to

me why she thinks it has nothing to say about the issue at hand. I see my parent confronting a grave moral dilemma. In such a situation an ethically serious person will, among other concerns, do his/her best to accommodate as many of the conflicting goods as is possible, and that's just what my employment of the concerned individual strategy attempts.



Sapontzis is also unconvinced by another consideration I raise to bolster the parent's choice of xenograft, namely, that such a choice may well save a child without costing any extra animal lives, since the donor is doomed whatever happens, and it is not certain that such animals are replaced on a strict "one-for-one" basis. Allowing the stipulation that the xenograft has therapeutic value for the human patient, we come to a substantive disagreement: Sapontzis sees this line of reasoning as simply another instance of the "if I don't do it, someone else will" move, which he seeks to discredit by pointing out that it is often used by politicians, drug pushers, business executives, and other unsavory types. I think that there is at least this difference between the cases: my parent is here basing his/her hopes on the possibility that accepting xenograft may lead to an overall lessening of evil in the world. He/she is weighing the virtual certainty of his/her child's death against the probability of the added death of another morally considerable being. I doubt whether this sort of motivation is prominent in the members of the classes to which he/she is being compared.

I hope these remarks restore some credit to the considerations the virtuous parent uses to support his/her decision. At this point, I want to turn to what Aiken and Sapontzis regard as the crucial issue: my claim that death may typically be a greater harm to a human than to a member of another species.

Sapontzis conflates this idea with the notion that the lives of humans are morally more valuable than those of animals. But this doesn't follow at all. Some situation X can certainly be more harmful to individual s than to individual r, without saying anything at all about the relative merit of x and r; it is clear, for instance, that a dry climate is a greater harm to a tuna than to a kitten, but this doesn't tell us anything about their respective moral worth.

Aiken, too, slides quickly from my suggestion that death is a greater harm to humans to attribution to me the view that humans have greater moral worth than non-humans. But even if we start playing out some of the reasons why death may be a greater harm to humans--say, because their lives are generally more richly satisfying or their projects morally more significant--the greater worth conclusion still won't follow. (Consider the morally valuable goals achieved by the NEH. These may well outstrip those achieved by some humans, but I would not, on that ground alone, conclude that the NEH is morally more worthy than such humans.)

But couldn't both Aiken and Sapontzis rejoin that, whether I talk about "moral worth": or "extent of harm," the same criticism applies: these are general points, not particular ones. If human lives are typically of greater moral significance than those of non-humans, and if there's a valid moral principle enjoining us to increase the prevalence of what is morally worthy, then we ought to act to save humans; considerations of parental affection simply don't enter into it. The same holds if we say rather that humans as such typically suffer greater harm by dying than do non-humans. In either case, Aiken would be right in saying that partial affections are largely beside the point.

But I don't think that this is the case. Aiken guesses that I would endorse the claim that "it is plausible that the human species is superior in moral worth and thus members of this species should take precedence in conflict situations." But I'm very troubled by the inference here. Is it simply evident that greater moral worth dictates a resolution in its favor, independently of considerations of partial affections?

Answering "yes" would certainly run smack in the face of many people's moral intuitions. In life-or-death conflicts, in

fact, we seem at least as comfortable making decisions on the grounds of certain kinds of special affections as we do deciding impartially. Consider William Godwin's well-known discussion of the great writer, Archbishop Fenelon of Cambria, who is trapped in a burning tower along with his valet--a person of comparatively little account, apart from the fact that he is your father. You can save only one of the two men. Godwin, good utilitarian that he was, opted to save Fenelon. But many of us will make the other choice, and it is not clear that we are wrong to do so.

Cases like this indicate, I think, that certain key kinds of partialities are extremely morally significant--enough so to trump impartial assessments of worth. But can they be used to justify the decision in the xenograft case, where it is not simply a matter of saving one rather than another but of saving one at the expense of another?

Mere difference in worth, or in degree of harm suffered, won't justify using one for the ends of another; to do so, the magnitude of difference would have to be considerable indeed. But there are other relevant factors--the prevalence and character of partial affections--as revealed by the general dissent from Godwin's resolution of the Fenelon case.

The type of partial affection discussed in my paper--parental affection--is surely among the more morally significant there are. We are not here considering the affections of one friend for another, of an art lover for his/her objet d'art, nor even of Professor Aiken for his chimp. Exactly where the moral force of this kind of partial affection comes from, and exactly how it relates to spousal affections, filial affections, and so forth, is something that requires further investigation. But it does seem to me that the force is there, and that it is weighty.

Impartial considerations, so far as I can tell, are not such as to justify the use of baboons as spare parts bins for humans. But in the kind of situation I envisage in my paper, the moral force of partial considerations, at least in conjunction with the stipulated conditions, may justify a parent's accepting xenograft--and other therapies exploitative of animals--on behalf of his/her children.